

## Chapter CII.

### GENERAL PRINCIPLES OF JURISDICTION OF COMMITTEES.

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1. Reference required to give jurisdiction. Sections 4355–4361.<sup>1</sup>
  2. House may refer bill to any committee. Sections 4362–4364.
  3. Erroneous reference of a public bill. Sections 4365–4372.
  4. Senate amendments do not change jurisdiction of House bills. Sections 4373, 4374.
  5. General principles of reference. Sections 4375, 4376.<sup>2</sup>
  6. Correction of errors in reference. Sections 4377–4379.
  7. Rule for reference of bills relating to claims. Sections 4380, 4381.
  8. Effect of erroneous reference of private bills. Sections 4382–4392.
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**4355. It has generally been held that a committee may not report a bill whereof the subject-matter has not been referred to it by the House.**—On February 21, 1850,<sup>3</sup> Mr. Andrew Johnson, of Tennessee, from the Committee on Public Expenditures, reported a bill, which was read for information by its title, as follows:

A bill to provide a homestead of one hundred and sixty acres of the public domain for every man who is the head of a family and a citizen of the United States, etc.

Mr. Samuel F. Vinton, of Ohio, objected to the reception of the bill, on the ground that the subject-matter of the bill had not been referred to the committee which reported it to the House, either by resolution or by the rules or otherwise.

Debate arising, Mr. Alexander H. Stephens, of Georgia, read the rule:

89. It shall be the duty of the Committee on Public Expenditures to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report from time to time such provisions and arrangements as may be necessary to add to the economy of the departments and the accountability of their officers.<sup>4</sup>

Mr. Stephens urged that the principle involved was one of great parliamentary importance, whether any one of the standing committees of the House had power to originate and report bills upon any subject that had not been either generally or specially referred to it.

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<sup>1</sup> Certain papers only being referred in course of an examination, the committee did not take into account other pertinent papers. Section 559 of Vol. I.

<sup>2</sup> Acts of Executive Departments in submitting estimates do not control reference. Sections 4048, 4184 of this volume.

<sup>3</sup> First session Thirty-first Congress, Journal, p. 590; Globe, p. 408.

<sup>4</sup> This committee no longer exists, and the rules do not generally prescribe duties in this way.

The Speaker<sup>1</sup> decided that the bill was not in order from the Committee on Public Expenditures, not being on a subject referred to them by the rules or the action of the House.

Mr. Johnson having appealed, the decision of the Chair was sustained.

**4356.** On November 6, 1877,<sup>2</sup> Mr. Washington C. Whitthorne, of Tennessee, from the Committee on Naval Affairs, reported a resolution instructing that committee to make a thorough investigation into matters of deficiency, with power to send for persons and papers, etc.

Mr. William P. Frye, of Maine, made the point of order that the House not having referred any measure, bill, petition, or resolution to the Committee on Naval Affairs for an investigation as proposed by the foregoing resolution, it was not competent for the committee to report the same at this time.

The Speaker pro tempore<sup>3</sup> sustained the point of order, on the ground that the resolution was not a "measure" within the meaning of Rule 89.<sup>4</sup>

**4357.** On April 21, 1884,<sup>5</sup> Mr. Samuel S. Cox, of New York, under instructions from the committee to ascertain the results of the Tenth Census, moved to suspend the rules, so as to enable him to report from that committee and the House to pass a bill of the following title, viz: "An act supplementary to 'An act to provide for the publication of the Tenth Census.'"

Mr. Alfred M. Scales, of North Carolina, made the point of order that the motion submitted by Mr. Cox was not in order, for the reason that the subject-matter of the bill had not been referred to the committee, and also for the further reason that that subject-matter belonged under the rules to the Committee on Printing.

After debate on the point of order, the Speaker<sup>6</sup> sustained the same, on the ground that a committee had no right to submit a report to the House unless it related to a subject over which it had jurisdiction by the rules of the House, or by a reference of the subject to it by order of the House.<sup>7</sup>

**4358.** On August 18, 1890,<sup>8</sup> during the call of committees for motions to suspend the rules, the Committee on Irrigation of Arid Lands was called.

Mr. William Vandever, of California, on behalf of that committee, moved that the rules be suspended so as to enable him to report and the House to pass a certain concurrent resolution authorizing the Secretary of Agriculture to continue an investigation into the proper location for artesian wells, and for the ascertainment of the existence of other subterranean waters that might be utilized for irrigation purposes.

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<sup>1</sup> Howell Cobb, of Georgia, Speaker.

<sup>2</sup> First session Forty-fifth Congress, Journal, p. 159; Record, p. 256.

<sup>3</sup> Milton Saylor, of Ohio, Speaker pro tempore.

<sup>4</sup> Rule 89 at that time provided: "It shall be the duty of the Committee on Naval Affairs to take into consideration all matters which concern the naval establishment, and which shall be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment." The present rule relating to the jurisdiction of this committee is somewhat different. (See sec. 4189 of this volume.)

<sup>5</sup> First session Forty-eighth Congress, Journal, p. 1108.

<sup>6</sup> John G. Carlisle, of Kentucky, Speaker.

<sup>7</sup> The Record (pp. 3202, 3203) shows that the Speaker considered that the question turned on whether or not the subject had been referred to the committee, and does not indicate that the Speaker held it in order for a committee to report without such reference, even on a subject of which the rules gave it jurisdiction. In this case the jurisdiction under the rules belonged to the Committee on Printing.

<sup>8</sup> First session Fifty-first Congress, Journal, p. 967; Record, p. 8772.

The Speaker having suggested the question of the right of the committee to report the resolution, the subject-matter not having been referred to the committee, after debate,

Mr. James B. Reilly, of Pennsylvania, made the point of order that the resolution was not before the House, not having been referred to the committee.

The Speaker <sup>1</sup> sustained the point of order.<sup>2</sup>

**4359.** On September 20, 1893,<sup>3</sup> Mr. Thomas C. Catchings, of Mississippi, submitted a report from the Committee on Rules recommending the adoption by the House of the following resolution:

*Resolved*, That immediately upon the adoption of this order the Speaker shall, in compliance with clause 2 of Rule XXIV, call the committees for reports; and reports then made shall be by the Speaker referred to the appropriate calendars; and no motion shall be entertained or be in order until this order shall have been fully executed.

Mr. Julius C. Burrows, of Michigan, objected to the reception of the report upon the ground that as appeared from the Journal and the Record no such resolution, or similar resolution, had been referred to the Committee on Rules, and that the committee therefore had no jurisdiction to report the proposed resolution, and that pursuant to clause 51 of Rule XI <sup>4</sup> all proposed action touching the rules and order of business must in the first instance be referred to the Committee on Rules.

The Speaker <sup>5</sup> overruled the objection, holding that under the provisions of clause 57 of Rule XI <sup>6</sup> the Committee on Rules had authority to report at any time on the rules and order of business of the House, notwithstanding the proposed rule or order had not been specially referred to that committee.

Mr. Burrows appealed from the decision of the Chair. Mr. Fitch moved to lay the appeal on the table, and the motion was decided in the affirmative—173 yeas to 55 nays.

**4360.** On January 5, 1894,<sup>7</sup> Mr. Thomas C. Catchings, of Mississippi, from the Committee on Rules, reported a resolution providing for the consideration of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes.

Mr. Julius C. Burrows, of Michigan, made the point of order that the resolution reported by Mr. Catchings not having been referred to the Committee on Rules, that committee had no jurisdiction to report the same to the House.

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<sup>1</sup> Thomas B. Reed, of Maine, Speaker.

<sup>2</sup> On December 4, 1877, and February 26, 1878 (second session Forty-fifth Congress, Journal, p. 527; Record, pp. 18, 19, 1342), Mr. Speaker Randall had ruled that a committee had no authority to report a resolution or bill the subject-matter whereof had not been referred to it. There was, however, a ruling of August 5, 1846 (first session Twenty-ninth Congress, Journal p. 1234; Globe, p. 1187), wherein Speaker pro tempore George W. Hopkins, of Virginia, permitted the Committee on Ways and Means to report a matter which had not been referred to it.

<sup>3</sup> First session Fifty-third Congress, Journal, pp. 96, 97, 98.

<sup>4</sup> Now section 53 of Rule XI. See section 4321 of this volume.

<sup>5</sup> Charles F. Crisp, of Georgia, Speaker.

<sup>6</sup> Now section 61 of Rule XI. See section 4621 of this volume.

<sup>7</sup> Second session Fifty-third Congress, Journal, p. 61; Record, p. 502.

The Speaker <sup>1</sup> overruled the point of order.

**4361. A petition properly referred to a committee<sup>2</sup> gives jurisdiction for reporting a bill.**—On July 22, 1852,<sup>3</sup> Mr. Richard H. Stanton, of Kentucky, from the Committee on Printing, to whom was referred the petition of Thomas Ritchie, made a report thereon, accompanied by a joint resolution, providing a settlement with Ritchie for the printing of the Thirty-first Congress.

Mr. Edward Stanly, of North Carolina, made the point of order that it was not in order for the gentleman (Mr. Stanton) to report the joint resolution from the committee, on the ground that it was not within the range of subjects contemplated for their action by the law of Congress establishing that committee.

The Speaker<sup>4</sup> decided that, inasmuch as the resolution was based upon a petition regularly referred to that committee, it was competent for the committee to report thereon by bill or otherwise.

Mr. Stanly appealing, the appeal was laid on the table by a vote of 81 to 65.

The record of debates<sup>5</sup> shows that Mr. Stanly, in making his point of order, declared that the matter was a private claim, and therefore not properly within the jurisdiction of the committee.

Mr. Solomon G. Haven, of New York, made the point that unless the resolution was reported from both branches of the Committee on Printing, which was a joint committee under the twentieth joint rule, it could not be received. Mr. Stanton admitted that the report was only from the House part of the committee.

The Speaker, in ruling on the point of order made by Mr. Stanly, quoted a precedent of February 12, 1851,<sup>6</sup> wherein the Speaker ruled that, as the twenty-first joint rule explicitly provided that “it shall be in order for the Committee on Printing to report at any time,” it placed no restriction as to the subject-matter of the report, only limiting the committee to such matters as were legitimately before them. This latter decision also referred to a decision in the Thirtieth Congress.

On the second point the Speaker thought that the law governing the committee contemplated separate action by the two branches in certain cases.

**4362. The House itself may refer a bill or resolution to any committee, and jurisdiction is thereby conferred.**—On December 21, 1889,<sup>7</sup> Mr. M. M. Boothman, of Ohio, from the Committee on Accounts, to which was referred the joint resolution of the House (H. Res. 11) giving one month’s extra pay to certain employees of the House, reported the same with amendments.

The House having proceeded to their consideration, Mr. William C. Oates, of Alabama, raised the question of jurisdiction.

The Speaker<sup>8</sup> held that the House having referred the joint resolution to the Committee on Accounts in the regular course of business, jurisdiction was thereby conferred.

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<sup>1</sup> Charles F. Crisp, of Georgia, Speaker.

<sup>2</sup> See section 3364 of this volume for rule for proper reference of petitions.

<sup>3</sup> First session Thirty-second Congress, Journal, p. 935.

<sup>4</sup> Linn Boyd, of Kentucky, Speaker.

<sup>5</sup> First session Thirty-second Congress, Congressional Globe, p. 1884.

<sup>6</sup> Second session Thirty-first Congress, Journal, p. 267.

<sup>7</sup> First session Fifty-first Congress, Journal, p. 87; Record, p. 376.

<sup>8</sup> Thomas B. Reed, of Maine, Speaker.

**4363.** On December 4, 1876,<sup>1</sup> Mr. William M. Springer, of Illinois, offered this resolution:

*Resolved*, That the credentials of James B. Belford be referred to the Judiciary Committee, and that said committee be instructed to inquire and report at as early a day as possible whether Colorado is a State in the Union, and that until such report is received no person claiming to be a Representative from Colorado be sworn in as a Member of this House.

Mr. Omar D. Conger, of Michigan, made the point of order that the proposed reference of the credentials was irregular, and that under the rules the same should be referred to the Committee on Elections.

The Speaker<sup>2</sup> overruled the point of order, on the ground that it was competent for the House to refer any subject to any committee that it might choose.<sup>3</sup>

**4364.** On April 28, 1900,<sup>4</sup> the House was considering the bill (S. 2799) to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, etc., reported from the Committee on War Claims and under consideration in the House as in Committee of the Whole.

Mr. George W. Ray, of New York, moved that the bill be referred to the Committee on the Judiciary with certain instructions.

Mr. Thaddeus M. Mahon, of Pennsylvania, made the point of order that this could not be done since the jurisdiction of the bill by the rules belonged to the Committee on War Claims.

The Speaker *pro tempore*<sup>5</sup> overruled the point of order, holding that the House might refer a bill to any committee.

**4365. According to the later practice of the House the erroneous reference of a public bill, if it remain uncorrected, in effect gives jurisdiction to the committee receiving it.**—On October 19, 1893,<sup>6</sup> Mr. Joseph Wheeler, of Alabama, on behalf of the Committee on the Territories, presented for consideration the bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department.

Mr. W. A. Stone, of Pennsylvania, made the point of order that the bill, not being within the jurisdiction of the Committee on the Territories, had been erroneously reported and was improperly on the Calendar.

The Speaker<sup>7</sup> overruled the point, holding as follows:

The reference of a public bill, as described by the rules, is different from that prescribed in regard to private bills. An erroneous reference of a public bill may be corrected any morning immediately after the reading of the Journal, either by unanimous consent or on motion of a Member representing the committee to which the bill has been erroneously referred or on motion of the committee claiming

<sup>1</sup> Second session Forty-fourth Congress, Journal, p. 13; Record, p. 10.

<sup>2</sup> Samuel J. Randall, of Pennsylvania, Speaker.

<sup>3</sup> Bills being now introduced by filing them at the Clerk's desk, the House does not often have the opportunity to express its wish as to reference, except by motion to change reference. (See sec. 3364 of this volume.)

<sup>4</sup> First session Fifty-sixth Congress, Record, p. 4823.

<sup>5</sup> Charles H. Grosvenor, of Ohio, Speaker *pro tempore*.

<sup>6</sup> First session Fifty-third Congress, Journal, p. 147.

<sup>7</sup> Charles F. Crisp, of Georgia, Speaker.

jurisdiction. And where a public bill has been suffered, even erroneously, to be considered by a committee and that committee has reported it back to the House, there is no way of raising the question of jurisdiction if the bill is a public bill, the case is different in regard to private bills. This bill is practically an amendment of a charter granted to a railroad company to pass through lands in the Territories, which original bill was reported by the Committee on the Territories.<sup>2</sup>

**4366.** On January 12, 1897,<sup>3</sup> during the call of committees in the morning hour, Mr. Charles S. Hartman, of Montana, called up, when the Committee on Mines and Mining was called, the bill (H. R. 6780) to amend section 2335 of the Revised Statutes.

Mr. John F. Lacey, of Iowa, reserved the point of order that the bill should have been referred to the Committee on the Public Lands and not to the Committee on Mines and Mining.

The Speaker<sup>4</sup> said:

The rules prescribe that if by any error or misunderstanding a bill has been sent to the wrong committee it is the duty of the committee who desire jurisdiction to present the matter to the House for a change; and no question having been raised, and the committee having reported, the Chair thinks it is too late to raise the question.

**4367.** On April 7, 1852,<sup>5</sup> Mr. James L. Orr, of South Carolina, from the Committee on Public Lands, to whom was referred the memorial of the board of internal improvements of the State of Florida, reported a bill granting the right of way and making a donation of the public lands to the State of Florida for the benefit of the Atlantic, Gulf and Central railroads, and for other purposes.

Mr. George S. Houston, of Alabama, made the point of order that, inasmuch as the bill contained a provision to exempt railroad iron from duty, which was a subject not within the jurisdiction of the Committee on Public Lands, it was not in order as a report from that committee.

The Speaker<sup>6</sup> said:

The Committee on Public Lands have reported a bill which provides, first, for granting alternate sections of land to aid in the construction of a railroad, and then provides for abolishing altogether duties upon all railroad iron. The Chair does not understand that any matter connected with duties upon railroad iron has ever been referred to the Committee on Public Lands at all. This subject has never been referred to them in the first place, and if referred, then the Chair must decide them very improperly referred to that committee, it being a matter touching the revenue, and therefore belonging exclusively, in the opinion of the Chair, to the Committee on Ways and Means. The Chair therefore decides that the report made from the Committee on Public Lands is not in order.

Mr. Thomas L. Clingman, of North Carolina, having appealed, the appeal was laid on the table by a vote of 125 yeas, 39 nays.

**4368.** On May 10, 1879,<sup>7</sup> Mr. John T. Harris, of Virginia, from the Committee on the Revision of the Laws, reported the bill (H. R. 1493) defining the duties of reporter of the Supreme Court of the United States.

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<sup>1</sup> See section 3364 of this volume.

<sup>2</sup> Speaker pro tempore S. S. Cox made a similar ruling on January 31, 1888. (First session Fiftieth Congress, Journal, pp. 617, 618; Record, p. 844.)

<sup>3</sup> Second session Fifty-fourth Congress, Record, pp. 725, 726.

<sup>4</sup> Thomas B. Reed, of Maine, Speaker.

<sup>5</sup> First session Thirty-second Congress, Journal, p. 565; Globe, p. 1003.

<sup>6</sup> Linn Boyd, of Kentucky, Speaker.

<sup>7</sup> First session Forty-sixth Congress, Record, pp. 1222, 1223.

Mr. James A. Garfield, of Ohio, made the point of order that the bill was not within the jurisdiction of the committee reporting it.

The Speaker<sup>1</sup> said:

The Chair is of the opinion that the bill having been referred to the committee by the House and acted on and reported by that committee, is not subject to the point of order.

**4369.** On January 29, 1906,<sup>2</sup> Mr. John J. Jenkins, of Wisconsin, on the call of committees when the Committee on the Judiciary was called, presented the bill (H. R. 2) requiring all corporations engaged in interstate commerce to make returns, and for other purposes.

Mr. William P. Hepburn, of Iowa, raised the question that the jurisdiction of the bill belonged to the Committee on Interstate and Foreign Commerce and not to the Committee on the Judiciary.

The Speaker<sup>3</sup> held:

The whole matter has been settled by former precedents in the House. \* \* \*

The Chair is perfectly clear that \* \* \* the question can not be raised in this way at this time.

**4370.** On January 15, 1900,<sup>4</sup> the bill (H. R. 5042) to provide for improvements in the tax departments of the District of Columbia, which had been reported from the Committee on the District of Columbia, was called up for consideration, when Mr. William W. Grout, of Vermont, raised the question that the bill should have been referred to the Committee on Appropriations, as it carried an appropriation.

After debate the Speaker<sup>5</sup> said:

The point of order made by the gentleman from Vermont, as the Chair understands, is that this committee—the Committee on the District of Columbia—has no jurisdiction over this bill because it contains an appropriation. It has been said by Speaker Crisp, Speaker Reed, and others that an erroneous reference of a public bill, remaining uncorrected, in effect gives jurisdiction to the committee. The House has had its day in court to have the erroneous reference corrected and has failed to do so. The Chair is of the opinion, therefore, that this matter is properly within the control of this committee, and that it is within the power of the House, in considering the bill, to determine whether to leave the appropriation in the bill or to strike the appropriation out of the bill and leave only the matters of general legislation.

**4371.** On February 2, 1901,<sup>6</sup> Mr. William S. Knox, of Massachusetts, asked for the immediate consideration of the bill (H. R. 7091) relating to the coinage of Hawaii.

Mr. James D. Richardson, of Tennessee, made the point of order that the bill had been reported from the Committee on Territories, whereas its jurisdiction belonged to the Committee on Coinage, Weights, and Measures.

After debate the Speaker<sup>5</sup> held:

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<sup>1</sup> Samuel J. Randall, of Pennsylvania, Speaker.

<sup>2</sup> First session Fifty-ninth Congress, Record, pp. 1721, 1722.

<sup>3</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>4</sup> First session Fifty-sixth Congress, Record, p. 832.

<sup>5</sup> David B. Henderson, of Iowa, Speaker.

<sup>6</sup> Second session Fifty-sixth Congress, Journal, p. 186; Record, pp. 1849, 1850.

Rule XXII, clause 2, discusses the reference of private bills, done by the Members themselves and not by the Speaker. Clause 3 of the same rule refers to public bills. The Chair will have the Clerk read clause 3 of Rule XXII:

“3. All other bills, memorials, and resolutions may, in like manner, be delivered, indorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules shall be entered on the Journal and printed in the Record of the next day, and correction in case of error of reference may be made by the House without debate in accordance with Rule XI on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.”

Now, the purpose of that rule is this: If a reference has been erroneously made, it is within the power of the House, without debate, to avoid the consumption of time, for on motion of the committee, as designated, a change of reference can be made by the House; the purpose of that rule being that a reference can not be made and the committee to which it is referred be permitted to spend days, weeks, and months in its consideration, and when brought into the House for its consideration a point of order be successfully made that it was not properly referred. That should have engaged the attention of those interested on the day following the reference, under the rule which has just been reported.

This matter, however, has been decided by Speaker Crisp, and the Clerk will read paragraph 667 of the Parliamentary Precedents of the House of Representatives of the United States.<sup>1</sup>

The Chair, without discussing now the original question of reference, for, as stated by the gentleman from Massachusetts, a reference made in the regular way can not be regarded in any way as a binding precedent. The Chair is constrained to hold that this point of order comes too late, the bill is now properly before the House, subject, of course, to an objection to its consideration by unanimous consent.

**4372. A public bill having been reported by a committee and being under consideration in Committee of the Whole, it was held that the question of jurisdiction might not then be considered.**

**A bill may not be divided among two or more committees although it may contain matters properly within the jurisdiction of several committees.**

On March 8, 1890,<sup>2</sup> the House was in Committee of the Whole House on the state of the Union, considering the bill (H. R. 7156) to provide for the increase of the limit of cost of site and public building at Newark, N.J. The bill, after authorizing the purchase of land and construction of the building at an increased limit of cost, provided:

And that the sum of \$300,000, in addition to the sum of \$350,000 appropriated by act of Congress approved March 1, 1888, be, and the same is hereby, appropriated, out of any moneys in the United States Treasury not otherwise appropriated.

Mr. William S. Holman, of Indiana, made a point of order that the bill made an appropriation of money.

After debate the Chairman<sup>3</sup> ruled:

The bill for which the pending bill is a substitute is the bill (H. R. 565) introduced by the gentleman from New Jersey [Mr. Lehlbach] on the 18th of December, 1889, prior to the adoption of the new rules. The indorsement upon the bill is: “Read twice, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.” The Committee on Public Buildings and Grounds took jurisdiction of the bill. The point of order is made as against that clause of the bill which provides for an appropriation, because of the provision in clause 21 of Rule XI, which is:

<sup>1</sup> See section 4365.

<sup>2</sup> First session Fifty-first Congress, Record, pp. 2041, 2046.

<sup>3</sup> Lewis E. Payson, of Illinois, Chairman.



"All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating \* \* \* to the public buildings and occupied or improved grounds of the United States, other than appropriations therefor; to the Committee on Public Buildings and Grounds."

It is claimed that, because of the prohibition in the rule as to the reference to the Committee on Public Buildings and Grounds of matters involving appropriations for public buildings or for the occupied grounds in the United States, the point of order can be made against that provision in this bill which provides for an appropriation. It must be remembered that the House is now acting in Committee of the Whole on the state of the Union, considering a bill which has been reported by the committee, to which a bill substantially like this one has been referred. It has been frequently decided—and the Chair refers to the one decision covering the question—that a point of order as to the reference of a bill can not be made for the first time in Committee of the Whole. On the 10th day of May, 1879—the Chair reads now from a collection of decisions made by Mr. Speaker Randall—

"Mr. John T. Harris, from the Committee on the Revision of the Laws, to which was referred the bill (H. R. 1493) defining the duties of reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distribution of said reports, reported the same without amendment.

"Mr. Garfield made the point of order that the bill was not in order to be reported from the Committee on the Revision of the Laws, on the ground that the subject-matter of the bill was, under the rule, committed to another committee.

"The Speaker overruled the point of order on the ground that it was too late to raise the question of the proper reference of a bill when the same was reported for consideration, the question of reference being in order only after its second reading, when, under the rule (Rule CXVIII), it was read for commitment or engrossment, which question of reference was not then raised."

It must be remembered that the fact is, as the Chair thinks, that the reference of this bill on the 18th day of December last was the act of the House of Representatives, and was not the individual act of the Speaker, nor the act of the Speaker in his position as Speaker alone. The bill, in legal contemplation, was read a first and second time, and then referred, as was assumed, under the rule. The question has been presented in the arguments whether or no that was the proper reference. Now, it is conceded by gentlemen who are in favor of sustaining the point of order that the subject-matter of the bill, which is the erection of a public building, was properly referred to the Committee on Public Buildings and Grounds, and could have been properly referred to no other committee.

It is suggested in argument that as the bill embraced two propositions, one of which might properly go to the Committee on Public Buildings and Grounds and the other involving an appropriation, which, as suggested by the gentleman from Kentucky [Mr. Breckinridge], ought properly to go to the Committee on Appropriations—in this view it has been suggested that some action should be had by which that kind of division should be made. But it has been repeatedly held that a bill can not be so divided. The Chair reads from the Manual and Digest:

"It has been uniformly held that a bill can not be divided among two or more committees, although it contains subject-matter which legitimately belongs under Rule XI (the rule under consideration) to several committees; but must be referred to one committee as an entirety."

Therefore, under the decisions and under this opinion in the digest collating the decisions, the reference of this bill to the Committee on Public Buildings and Grounds was, in the judgment of the Chair, a proper reference. The question is one of jurisdiction. The Committee on Public Buildings and Grounds has, by the formal action of the House itself—not by a formal vote of the House, but by action which, in the judgment of the Chair, was tantamount or equivalent to a vote of the House—received jurisdiction of this bill.

The bill being before that committee and involving a matter upon which the House has power to act, namely, to provide for payment for the erection of a public building at the same time that it provides for its erection, the committee alone had power to act upon the bill, because it is conceded, as the Chair understands, by all gentlemen who have taken part in the debate that the Appropriations Committee would not have jurisdiction of this appropriation until after the erection of the public building had been authorized,<sup>1</sup> when the Committee on Appropriations would have the power, under the rule, to

<sup>1</sup>The Committee on Appropriations might not include an item in a general appropriation bill until it should have been authorized; but would it not have jurisdiction to report a special bill?

make the appropriation in pursuance of existing law and to include the amount in the sundry civil appropriation bill.

Clearly, the proposition for the appropriation for this building must go to some committee, and the Chair is of opinion that, under the rules of the House as they stand now and under the rules of the House of Representatives in the last Congress, there is no committee of the House to which a proposition for the appropriation of a sum of public money to pay for the erection of a public building might properly be referred under the rule in the first instance. None has been suggested in the argument, so far as the Chair knows. The Chair has made inquiry of two or three gentlemen having the floor as to what committee, in their opinion, this bill could have been referred to except the Committee on Public Buildings and Grounds.

Clearly it could not go to the Committee on Appropriations, because in general appropriation bills nothing is allowable except appropriations for expenses incurred in pursuance of existing law. As the bill had to go somewhere; as it did go to the Committee on Public Buildings and Grounds; as that committee has reported the bill, and it has been committed by the House to the Committee of the Whole on the state of the Union, and is now under consideration in Committee of the Whole, the Chair is of opinion that it is properly cognizable here and that the point of order should be overruled.

In connection with this question the Chair desires to say that a matter of the correction of a reference or taking any advantage of any improper reference is purely a matter for the House itself. Under the existing rules, if this bill had been referred by the Speaker without the knowledge of the House—furtively, as suggested—perhaps by the influence of some Member who desired the bill to go to a committee that had not jurisdiction—if a bill under those circumstances should be referred to a committee not having jurisdiction, it would be because the rules gave the Speaker that power. But the rules also provide that any improper reference of a bill may be corrected in any one of three ways: Either by unanimous consent, or upon request of the committee claiming jurisdiction, or upon the report of the committee to which the bill has been referred.

Because this bill was referred by the House to this committee—and not improperly, as the Chair thinks, for the reasons which have been stated—and because it is under consideration in Committee of the Whole, the Chair thinks this point of order must be overruled.

**4373. A House bill relating to the revenue, being returned with a Senate amendment in the nature of a substitute relating to coinage, was in the House referred to the committee having jurisdiction of the subject of the original bill.**—On December 27, 1895,<sup>1</sup> the bill (H. R. 2904) “to maintain and protect the coin-redemption fund, and to authorize the issue of certificates of indebtedness to meet temporary deficiencies of revenue,” was reported from the Committee on Ways and Means. In the Senate it was voted to strike out all after the enacting clause and insert a measure providing for the free coinage of silver.<sup>2</sup> On February 3, 1896,<sup>3</sup> the bill and amendment, having been returned from the Senate, were referred by the Speaker, under the rule,<sup>4</sup> to the Committee on Ways and Means, although the subject of the substitute would belong to the Committee on Coinage, Weights, and Measures.

**4374. A House bill relating to revenue in Porto Rico and reported from the Ways and Means Committee, being returned from the Senate with an amendment relating to the civil government of the island, was referred to the Ways and Means Committee, although the subject of the amendment was within the jurisdiction of the Committee on Insular Affairs.**—On April 4, 1900,<sup>5</sup> the bill (11. R. 8245) “an act temporarily to provide

<sup>1</sup> First session Fifty-fourth Congress, Record, p. 343.

<sup>2</sup> First session Fifty-fourth Congress, Record, pp. 484, 1216.

<sup>3</sup> First session Fifty-fourth Congress, Record, p. 1260.

<sup>4</sup> See section 4020 of this volume.

<sup>5</sup> First session Fifty-sixth Congress, Record, p. 3781.

revenues for the relief of the island of Porto Rico, and for other purposes," with an amendment of the Senate providing a system of territorial government for the island, was on the Speaker's table.

The bill had originally been reported from the Committee on Ways and Means of the House, and to this committee the bill with the Senate amendment was again referred, although the subject of the amendment was within the jurisdiction of the Committee on Insular Affairs.<sup>1</sup>

**4375. The House may by vote, refer a bill to any committee, without regard to the rules of jurisdiction.**

**To a bill to place an officer on the retired list of the Army, an amendment proposing to give him a pension was held not germane.**

On February 29, 1884,<sup>2</sup> the House having under consideration the bill to retire General Pleasonton, and the previous question having been moved on the passage of the bill, Mr. Thomas M. Browne, of Indiana, moved that the bill be recommitted to the Committee on Military Affairs with instructions to report the same with an amendment to put General Pleasonton's name on the pension roll at \$100 per month.

Mr. Thomas M. Bayne, of Pennsylvania, made the point of order that it was not in order to refer a bill to a committee which did not have jurisdiction of the subject; and also the further point of order that the proposition was not germane to the subject-matter of the bill.

The Speaker<sup>3</sup> overruled the first point of order on the ground that it was competent for the House to refer a bill to any committee it pleased,<sup>4</sup> and sustained the second point of order on the ground that the pending bill was proposed to restore General Pleasonton to the Army of the United States and give him rank and pay as a retired officer, while the proposition submitted by Mr. Browne merely gave him a pension while he still remained out of the military service of the Government.

**4376. A joint resolution may not be divided for reference.**—On January 11, 1882,<sup>5</sup> the House was considering the reference of a joint resolution (H. Res. 91) to declare certain lands heretofore granted to railroad companies forfeited to the United States, etc.

A proposition being made to refer portions of the resolution to different committees, the Speaker<sup>6</sup> said:

The Chair doubts the right of the House to divide a joint resolution for reference.

Thereupon the entire resolution was referred to the Committee on Public Lands.

**4377. The rule provides that errors in reference of public bills may be corrected after the reading of the Journal in certain specified ways.**—Section 3 of Rule XVI<sup>7</sup> provides as follows for change of reference of public bills:

<sup>1</sup> See Rule XI, section 18.

<sup>2</sup> First session Forty-eighth Congress, Journal, p. 703.

<sup>3</sup> John G. Carlisle, of Kentucky, Speaker.

<sup>4</sup> In the first instance bills are not introduced now as then. (See section 3364 of this volume.)

<sup>5</sup> First session Forty-seventh Congress, Record, pp. 365, 366.

<sup>6</sup> J. Warren Keifer, of Ohio, Speaker.

<sup>7</sup> For full form and history of this rule see section 3364 of this volume.

\* \* \* correction in case of error of reference may be made by the House without debate in accordance with Rule XI on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

**4378. Motions to change the reference of public bills are not open to debate or subject to amendment.**—On February 26, 1894,<sup>1</sup> Mr. William H. Hatch, of Missouri, on behalf of the Committee on Agriculture—which committee claimed jurisdiction of the bill (H. R. 5653) regulating the sale of certain agricultural products, defining options and futures, and imposing taxes thereon—moved to discharge the Committee on Ways and Means from the consideration of the bill, and that the same be referred to the Committee on Agriculture.

The Speaker<sup>2</sup> held that the motion was not subject to debate or amendment.<sup>3</sup>

**4379. Errors in the reference of petitions and private bills are corrected at the Clerk's table, without action by the House, at the suggestion of the committee having possession.**—Section 2 of Rule XXII<sup>4</sup> provides:

\* \* \* petitions and private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented;<sup>5</sup> and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.

**4380. A bill for the payment or adjudication of any private claim against the Government must be referred to one of these committees: Claims, War Claims, Private Land Claims, Pensions, Invalid Pensions, Accounts.**

**Present form and history of section 3 of Rule XXI.**

Section 3 of Rule XXI provides:

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.

This rule dates from 1885, when it was adopted to prevent private claim bills from overburdening committees charged more properly with the examination of public questions.<sup>6</sup>

<sup>1</sup>Second session Fifty-third Congress, Journal, p. 202; Record, p. 2423.

<sup>2</sup>Charles F. Crisp, of Georgia, Speaker.

<sup>3</sup>Section 3 of Rule XXII then and now provided that this motion should not be debatable. (See section 3364 of this volume.)

<sup>4</sup>For full form and history of this rule see section 3364 of this volume.

<sup>5</sup>That is, the chairman of the committee having the bill indorses on it the fact that the jurisdiction belongs to another specified committee and delivers it to the Clerk. (See sec. 1 of Rule XXII; sec. 3364 of this volume.) Correction of error in case of public bills is made in accordance with section 3 of Rule XXII. (See section 3364 of this volume.)

<sup>6</sup>First session Forty-ninth Congress, Record, p. 170. Prior to the adoption of this rule, on July 14, 1852 (First session Thirty-second Congress, Journal, p. 897; Globe, p. 1778), Mr. Willis A. Gorman, of Indiana, from the Committee on Printing, reported a bill (H. R. 299) "to provide for executing the public printing and establishing the prices thereof, and for other purposes."

Mr. Edward Stanly, of North Carolina, made the point of order that under the joint rule defining the duties of the Committee on Printing it was not competent for that committee to report a bill of this character, and especially when that committee had not been regularly called for reports. The joint rule

**4381. A bill to provide a commission to settle claims against the Government does not fall within the rule requiring private claims to be referred only to certain specified committees.**—On July 18, 1894,<sup>1</sup> Mr. Joseph H. Outhwaite, of Ohio, presented for consideration the bill (H. R. 5939) to appoint a commission to report and determine upon certain damages done to citizens of Lauderdale County, Ala., by the building of the Muscle Shoals Canal.

Mr. Joseph D. Sayers, of Texas, made the point of order that the bill having been erroneously referred to the Committee on Military Affairs that committee had no jurisdiction to consider and report it, and that it should be committed to the proper committee.

After debate the Speaker<sup>2</sup> overruled the point, holding that inasmuch as the bill did not provide for the payment or adjudication of a claim against the Government it did not come within the purview of clause 4 of Rule XXI,<sup>3</sup> and that unanimous consent was not required to refer the same to the Committee on Military Affairs.

**4382. The erroneous reference of a private bill to a committee not entitled to jurisdiction does not confer it, and a point of order is good when the bill comes up for consideration either in the House or in Committee of the Whole.**—On September 28, 1893,<sup>4</sup> Mr. Thomas C. McRae, of Arkansas, on behalf of the Committee on the Public Lands, moved that the House resolve itself into Committee of the Whole House for the purpose of considering the bill (H. R. 1127) for the relief of Francis M. Tomlin.

Mr. Joseph D. Sayers, of Texas, made the point of order that the bill was improperly referred to the Committee on the Public Lands, and that under the rules that committee had no authority to report the bill, it being for the payment of a claim against the Government.

The Speaker<sup>2</sup> sustained the point of order, holding as follows:

The matter of the introduction, reference, and report of private bills under the rules of the House is important, and the Chair would like to call attention to it. The first clause of Rule XXII provides:

“1. Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, indorsing their names and the reference or distribution to be made thereof; and said peti-

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referred to defined the jurisdiction of the committee as that of adopting measures to remedy neglect or delay on the part of the contractor and audit and pass on his accounts.

The Speaker (Linn Boyd, of Kentucky, Speaker) said: “During the last Congress the Committee on Printing reported what was regarded by many gentlemen as a private claim. The question was then made as it is now—that it was not competent for the committee to make such a report. It was decided, however, that as the subject had been referred by the House to the committee it was clearly in order. The Chair understands from the statement of the chairman of the committee that the matters embracing the provisions of this bill had been referred to that committee. Unless the Chair has been misled in regard to the facts, it seems to me there can be no doubt as to the right of the committee to report the bill. \* \* \* The House has referred to the Committee on Printing matter precisely such as is embraced in the bill. There is a rule authorizing that committee to report at any time. The Chair therefore decides that the bill or report of the committee is in order.”

Mr. Stanly having appealed, the appeal was laid on the table by a vote of yeas 108, nays 60.

<sup>1</sup> Second session Fifty-third Congress, Journal, p. 493; Record, p. 7661.

<sup>2</sup> Charles F. Crisp, of Georgia, Speaker.

<sup>3</sup> Now section 3 of Rule XXI. (See sec. 4380 of this volume.)

<sup>4</sup> First session Fifty-third Congress, Journal, p. 118.

tions and memorials and bills of a private nature, except such as, in the judgment of the Speaker, are of an obscene or an insulting character, shall be entered on the Journal with the names of the Members presenting them," etc.

Now, a Member in the introduction of a private bill may cause its reference to any committee of the House by indorsing upon the bill an indication of the reference which he desires. That is a matter that the Representative must determine for himself, but he must determine it in view of the other rules of the House, which are really the only restriction upon a Member in the introduction and reference of a private bill. Clause 4 of Rule XXI provides that—

"No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts."

No private bill shall be referred, except by unanimous consent, to any other committee than those enumerated in clause 4 of Rule XXI.

Clause 2 of Rule XXII provides that—

"Petitions and private bills which have been inappropriately referred may, by direction of the committee having possession of the same, be properly referred in the manner originally presented."

That is, by putting them in the box with an indorsement giving the correct reference—"and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same."

Now, the limitation, it seems to the Chair, is clear. In the first place, a Member may indorse upon a bill the reference that he desires, but he can not by such indorsement give jurisdiction to a committee that under the rules has no jurisdiction of the subject-matter. Private bills must go to one of the committees enumerated in clause 4 of Rule XXI, and if they go anywhere else the committee that gets them has no authority either to consider them or to report them. That is the language of the rule, and really there would be no other way of protecting the jurisdiction of committees except in that way.

Therefore the Chair thinks that a private bill referred under clause 1 of Rule XXII to any other committee than one of those named in clause 4 of Rule XXI can not be considered or reported by such committee, and it seems to the Chair that the only time when the question can be raised is when the bill is called up for consideration, because these bills are reported just as they are introduced, through the box, and they do not come to the attention of the Chair at all until they are called up for consideration. The Chair never sees them or knows anything of them, because they are not presented as are reports or public bills in the open House, but they come in through the box.

The Speaker also stated that whenever a point of order shall be made that a private bill on the Calendar had been reported by a committee not authorized to report the same, the Chair would, if the point be made before the consideration of the bill had been entered upon, direct that such bill be recommitted to the committee improperly reporting it for appropriate action under the rules.

**4383.** On January 18, 1895,<sup>1</sup> Mr. John T. Heard, of Missouri, presented for consideration the bill (H. R. 5457) for the relief of Emmart Dunbar & Co.

Mr. Elijah V. Brookshire, of Indiana, made the point of order that the bill was in the nature of a claim, and was therefore, under clause 4 of Rule XXI,<sup>2</sup> improperly reported from the Committee on the District of Columbia.

The Speaker<sup>3</sup> sustained the point of order.

And the Committee of the Whole House was discharged from the consideration of the bill and the same was referred to the Committee on Claims.

<sup>1</sup>Third session Fifty-third Congress, Journal, pp. 70, 71.

<sup>2</sup>Now section 3 of Rule XXI. (See sec. 4380.)

<sup>3</sup>Charles F. Crisp, of Georgia, Speaker.

**4384.** On March 4, 1898,<sup>1</sup> the House was in Committee of the Whole House considering the Private Calendar. A bill (H. R. 4411) for the relief of James H. Birch being taken up, Mr. John Dalzell, of Pennsylvania, made the point of order that the bill was not one properly within the jurisdiction of the Committee on War Claims, which had reported it.

The Chairman<sup>2</sup> ruled:

The point of order is made against this bill that it is here on a report from the Committee on War Claims, and that, under the rule, that committee has no jurisdiction.

Clause 31 of Rule XI, which relates to the reference of claims, provides that—

“All proposed legislation shall be referred to the committees named in the preceding rule, as follows:

“Subjects relating to claims arising from any war in which the United States has been engaged, to the Committee on War Claims.”

That hardly means any claims arising at a time contemporaneous with the war, as has been intimated by some gentlemen in arguing this matter, because a claim for recruiting Confederate soldiers was something that arose contemporaneously with the war. The only thing to show that this claim was connected with the war at all is the fact that it was at the time of the war. The whole claim is made against the State of Missouri or the provisional government of Missouri, for recruiting Missouri regiments—Missouri militia. It does not appear that they were used in the service of the Union outside of the State, or in the State, except incidentally in trying to keep the State from seceding, perhaps.

It does appear that some of these men, or most of them, were afterwards transmuted—I think that is the word used—to other United States regiments, but this claim is not for the transmuting of the men or the recruiting of the men into the United States regiment. It is for recruiting them into the militia of Missouri. Now, the Chair thinks that that does not come within this clause of the rule. The question has been raised as to what committee it should be referred to. There is no question about that.

Clause 30 of the rule says that subjects relating “to private and domestic claims and demands, other than war claims, against the United States” shall be referred “to the Committee on Claims.”

There is no question about where the bill would go, and the Chair thinks that the Committee on Claims had jurisdiction of the subject and that the Committee on War Claims did not. The Chair sustains the point of order.

When the committee rose the Chairman reported this bill as having been improperly reported from the Committee on War Claims, and, therefore, as improperly before the Committee of the Whole.

The bill was then referred to the proper committee by the House.

**4385.** On March 4, 1898,<sup>3</sup> the House being in Committee of the Whole House on the state of the Union, considering bills on the Private Calendar, the Chairman ruled upon a point of order which Mr. Eugene F. Loud, of California, had made against a bill (H. R. 1935) for the relief of William B. Caldwell.

The Chairman<sup>2</sup> said:

Upon this bill a point of order is pending. The point of order was raised against this bill by the gentleman from California [Mr. Loud], on the ground that the bill had been referred to the Committee on War Claims, and referred improperly, the committee having no jurisdiction to report the bill, and claiming that the bill was improperly on the Calendar. At the time the point of order was raised the Chair had read from the Clerk's desk a decision of the Speaker of the present House. The attention of the Chair was then called to the fact that that decision referred to a public bill, and not to a private bill, and so the matter was postponed until this morning.

<sup>1</sup> Second session Fifty-fifth Congress, Record, p. 2496.

<sup>2</sup> Sereno E. Payne, of New York, Chairman.

<sup>3</sup> Second session Fifty-fifth Congress, Record, p. 2483.

The Chair finds upon reading clauses 1 and 2 of Rule XXII that it is provided:

"Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials and bills of a private nature, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal with the names of the Members presenting them, and the Clerk shall furnish a transcript of such entry to the official reporters of debates for publication in the Record,"

Clause 2 provides:

"Any petition or memorial or private bill excluded under this rule shall be returned to the Member from whom it was received; and petitions and private bills which have been inappropriately referred may, by the direction of the committee having possession of the same, be properly referred in the manner originally presented; and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same."

The last paragraph seems to effectually dispose of a bill which has been improperly referred to a committee where the bill is of a private character; but the Chair had more difficulty to get at the proper disposition of this bill on reference to the terms of the bill itself. The bill is threefold in its nature, being a bill for the relief of William B. Caldwell. In the first place, it provides that William B. Caldwell's name be entered "upon the muster rolls of said company as mustered into the service August 1, 1864, and honorably mustered out March 1, 1865, and to issue to him in honorable discharge accordingly."

Of course, if the bill ended there, it would have gone to the Committee on Military Affairs. The bill further provides:

"And the said William B. Caldwell shall be paid all the pay, allowances, and bounties due to a soldier regularly serving in said company between the dates aforesaid."

Under this language this claim in a bill belongs properly to the Committee on War Claims.

Now in determining the question as to whether the bill is properly referred or not, it seems there are different items in the bill that might carry it to one of two or three different committees, because there is a further item in this bill allowing a pension to this man from the date of his original application—that is, arrears of pension of course that would go to the Committee on Invalid Pensions, and no other committee would have jurisdiction. The question is whether this clause of the bill providing for back pay and bounty, which the existing law would give him, provided he is put on the muster roll and receives an honorable discharge according to the first clause of the bill, gives jurisdiction to the Committee on War Claims. The Chair hardly sees how that can be. If that were allowed, then that part of the bill that belonged to the Committee on Military Affairs for the granting of an honorable discharge would immediately have the jurisdiction changed from the Committee on Military Affairs to the Committee on War Claims by the addition of a purely superfluous clause.

The first clause of the bill itself having given an honorable discharge, under the present law, would give him back pay and bounty for the time he was on the muster roll of that company. There can be no question about that. Now, it can not be that a bill to reenact existing law shall give the Committee on War Claims jurisdiction. If that were true, it breaks up the whole foundation of the rules for the reference of the bills, and a bill could be referred to any committee if the Member who draws the bill puts in a clause, no matter whether it is necessary to the enactment or not, which gives jurisdiction to that particular committee, although the bill and the gist of the bill and the main object of the bill would take it to another committee.

Of course the main object of this bill is to give him a muster and honorable discharge. The other thing is incident to it, and it can not be that under the rules of the House—the proper enforcement of the rules of the House—this bill should go to the Committee on War Claims. The Chair has no doubt that a bill of this kind, being referred by the indorsement of the Member who introduces the bill, and not by the action of the House, that the question of the jurisdiction of the committee can be raised whenever the bill comes up for action, either in the House or in the Committee of the Whole. Therefore the Chair sustains the point of order made against this bill.

When the committee rose the Chairman reported that the bill had not been properly before it; the standing committee reporting it not having jurisdiction. The bill was referred to the proper committee.



**4386.** On December 4, 1894,<sup>1</sup> Mr. Joseph H. Outhwaite, of Ohio, on behalf of the Committee on Military Affairs, presented for consideration a bill for the relief of the legal representatives of Orsemus B. Boyd.

Mr. Joseph D. Sayers, of Texas, made a point that the Committee on Military Affairs had no jurisdiction to report the bill, inasmuch as it provided for the payment of a claim against the Government.

The Speaker<sup>2</sup> sustained the point, and the Committee of the Whole House was discharged from the consideration of the bill and the same was referred to the Committee on Claims.

**4387.** On October 13, 1893,<sup>3</sup> Mr. Thomas C. McRae, of Arkansas, on behalf of the Committee on the Public Lands, presented for consideration a bill for the relief of William P. Keady, on the Private Calendar.

Mr. Nelson Dingley, of Maine, made the point of order that the bill was a private bill and that the Committee on the Public Lands which reported it had no jurisdiction to report thereon.

The Speaker<sup>2</sup> sustained the point of order, and it was ordered that the Committee of the Whole House be discharged from the consideration of the bill, and that it be returned to the Committee on Public Lands for appropriate reference.

On October 16 the Speaker stated that upon a further examination of the bill for the relief of William P. Keady, which had been returned on Friday last to the Committee on the Public Lands in order that the committee might cause the bill to be appropriately referred, as in case of other private bills, he was of opinion that the questions arising on the bill were peculiarly within the province of the Committee on the Public Lands, and, while the bill was for the relief of an individual, the question involved was in its nature public—that is, whether certain lands had been restored to the public domain and were subject to entry by scrip; that the Committee on the Public Lands might therefore entertain jurisdiction of the bill.

**4388.** On July 18, 1894,<sup>4</sup> Mr. Joseph 1–1. Outhwaite, of Ohio, presented for consideration a bill for the relief of the owners of the schooner *Henry R. Tilton*.

Mr. Eugene F. Loud, of California, made the point that the bill was improperly reported by the Committee on Military Affairs and should, as it was in the nature of a claim, be reported by the Committee on Claims.

The Speaker pro tempore<sup>5</sup> sustained the point of order.

**4389.** On December 16, 1904,<sup>6</sup> on a day set apart by order for consideration of business reported from the Committee on Claims, the Committee of the Whole House was considering the bill (H. R. 8113) for the relief of Agnes W. Hills and Sarah J. Hills.

Mr. Sereno, E. Payne, of New York, made the point of order that the bill related to a war claim, and that the jurisdiction of it belonged to the Committee on War Claims.

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<sup>1</sup> Third session Fifty-third Congress, Journal, p. 15.

<sup>2</sup> Charles F. Crisp, of Georgia, Speaker.

<sup>3</sup> First session Fifty-third Congress, Journal, p. 138.

<sup>4</sup> Second session Fifty-third Congress, Journal, p. 492.

<sup>5</sup> Alexander M. Dockery, of Missouri, Speaker pro tempore.

<sup>6</sup> Third session Fifty-eighth Congress, Record, pp. 379, 393.

After examination and debate, the Chairman <sup>1</sup> held:

It appears by the reading of the bill that it is a war claim. Reference to the Committee on Claims under the precedents of this House does not give jurisdiction to that committee. It appears that the precedent is as follows:

“The erroneous reference of a private bill to a committee not entitled to jurisdiction does not confer it, and a point of order is good when the bill comes up for consideration, either in the House or in Committee of the Whole.”

So it is evident that the bill can not be considered at this time, and will have to be sent back.

Later, when the Committee of the Whole House rose, the Chairman reported—

That that committee had had under consideration the bill H. R. 8133, which was found to have been reported from a committee not having jurisdiction; that the committee also had had under consideration sundry bills and joint resolutions and had directed him to report the same back, some with amendment and some without, with the recommendation that the amendments be adopted and that the bills do pass.

The Speaker <sup>2</sup> said:

House bill 8113, reported by the committee that did not have jurisdiction, will, without objection, be referred to the Committee on War Claims.

There was no objection.

**4390. The House having changed the reference of a private Senate bill from one committee to another, a point of order as to the jurisdiction of the latter committee, made after the bill was reported, was overruled.**—On January 28, 1907,<sup>3</sup> a District of Columbia day, Mr. Joseph W. Babcock, of Wisconsin, proposed action to consider the bill (S. 3702) for the relief of the Gurley Memorial Presbyterian Church, of the District of Columbia, and for other purposes.

Mr. James R. Mann, of Illinois, made the point of order that this bill was not within the jurisdiction of the Committee on the District of Columbia under section 3 of Rule XXI,<sup>4</sup> and that under section 2 of Rule XXII<sup>5</sup> it was not in order for consideration.

After debate, the Speaker I held:

The Chair calls the attention of the gentleman also to the fact that this is a Senate bill, and a Member has nothing to do with the reference of it. Under the rule the Speaker, acting for the House, referred it to the Committee on Claims. The Committee on Claims brought it back to the House, and the House, by unanimous consent, changed the reference to the Committee on the District of Columbia. So that it is the action of the House; and it has been ruled that such action confers jurisdiction without regard to the rules in many cases, many precedents. \* \* \*

But the gentleman will notice that the rule he now refers to seems to cover House bills referred by Members. This is a Senate bill, referred originally by the Speaker to the Committee on Claims under Rule XXIV,<sup>6</sup> reported back from the Committee on Claims with recommendations that it be referred to the Committee on the District of Columbia, and the House unanimously referred it to that committee. There are many precedents where, without regard to the rule, the House by a majority has referred bills to committees, thereby conferring jurisdiction.

<sup>1</sup> Mr. P. P. Campbell, of Kansas, Chairman.

<sup>2</sup> Joseph G. Cannon, of Illinois, Speaker.

<sup>3</sup> Second session Fifty-ninth Congress, Record, p. 1849.

<sup>4</sup> See section 4380 of this volume.

<sup>5</sup> See section 3364 of this volume.

<sup>6</sup> See section 3089 of this volume.

Therefore the Speaker overruled the point of order.

**4391. Where the House itself refers a private House bill to a committee, the point of order as to jurisdiction does not avail.**—On February 11, 1905,<sup>1</sup> the House proceeded to the consideration of the bill (S. 3218) for the relief of Civil Engineer Peter C. Asserson, retired.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to adjust the pay of and pay to Civil Engineer Peter C. Asserson, United States Navy, retired, the full amount of the retired pay of a rear-admiral of the nine lower numbers for the time he has been on active duty since his retirement with that rank and whenever hereafter he shall be employed on active duty.

This bill had been reported by the Committee on Naval Affairs; and Mr. James R. Mann, of Illinois, made the point of order that, as the bill belonged to the jurisdiction of the Committee on Claims, it had been improperly reported to the House.

The Speaker I said:

The Chair will call the attention of the gentleman from Illinois [Mr. Mann] to the fact that this bill was referred by the Speaker to the Committee on Claims. Afterwards it was returned to the House with a request that the bill be referred to the Committee on Naval Affairs, and it was so ordered; so that the gentleman's point of order, the Chair believes, would be good were it not that the change of reference was made by the express order of the House. The Chair will state further that if this bill had been reported by the Committee on Claims it would not come within the terms of the order, but coming, as it does, from the Committee on Naval Affairs, it seems to the Chair that the point of order is not well taken, and that it does come within the terms of the order agreed to.

**4392. A private bill reported from a committee not having jurisdiction of the subject was ordered by the Speaker to be recommitted, as a step preliminary to a change of reference.**—On May 1, 1902,<sup>3</sup> Mr. Charles H. Grosvenor, of Ohio, called attention to the fact that the bill (H. R. 13480) to provide an American register for the steamer *Brooklyn*, had been reported by the Committee on Interstate and Foreign Commerce and was on the Private Calendar. In fact the jurisdiction of the bill belonged to the Committee on Merchant Marine and Fisheries, and it had not been reported properly by the other committee.

The Speaker<sup>2</sup> thereupon ordered the bill to be recommitted to the Committee on Interstate and Foreign Commerce.

Then, on request of Mr. Grosvenor, by unanimous consent, the House ordered the reference of the bill to be changed to the Committee on Merchant Marine and Fisheries.

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<sup>1</sup>Third session Fifty-eighth Congress, Record, pp. 2417, 2418.

<sup>2</sup>Joseph G. Cannon, of Illinois, Speaker.

<sup>3</sup>First session Fifty-seventh Congress, Journal, p. 666.

<sup>4</sup>David B. Henderson, of Iowa, Speaker.